

**AUBURN CITY COUNCIL MINUTES
REGULAR SESSION**

January 9, 2006

Closed Session 5:45 p.m.

Regular Session 6:00 p.m.

The Regular Session of the Auburn City Council was held in the Council Chamber, City Hall at 1225 Lincoln Way, Auburn, California with Mayor Mike Holmes presiding and City Clerk Joseph G.R. Labrie recording the minutes.

CALL TO ORDER

ROLL CALL

Council Members Present: Kevin Hanley, Keith Nesbitt, Bridget Powers, Bob Snyder, Mike Holmes

Council Members Absent: None.

Staff Members Present: City Manager Bob Richardson
City Attorney Mike Colantuono
Police Chief Valerie Harris
Fire Chief Mark D'Ambrogi
Special Projects Director Jack Warren
Community Development Director Will Wong
Engineering Division Manager Bernie Schroeder
Associate Planner Reg Murray
Finance Director Andy Heath

By **MOTION** adjourn to a closed session under Government Code Section 54957.6: **WITHOUT OBJECTION**

CONFERENCE WITH LABOR NEGOTIATORS

Agency Designated Representatives: David Mackowiak, Robert Richardson

Employees Organization: Auburn Firefighters Association

REPORT OUT OF CLOSED SESSION

Mayor Holmes said the Council took no reportable action.

PLEDGE OF ALLEGIANCE

MAYOR'S COMMENDATIONS/PROCLAMATIONS/ACKNOWLEDGEMENTS/ANNOUNCEMENTS

Mayor Holmes expressed appreciation to Everett Jensen and Joanne Neft for their efforts in putting together the paintings on display at City Hall.

The Mayor also announced that Former Mayor Alice Dowdin will be married in June.

AGENDA APPROVAL

Approved.

CONSENT CALENDAR

1. Minutes

By **MOTION** approve City Council Minutes of November 28, 2005.

2. Engineering Services for the Development of the Stormwater Ordinance to Meet the Goals of NPDES Permit

By **RESOLUTION 06-01** authorize the Director of Public Works to execute a consulting contract between the City of Auburn and Larry Walker Associates for engineering services related to the Stormwater Ordinance.

3. Permission to Advertise for the Construction of the Agard/Oakwood/High Street Intersection Signal Project

By **MOTION** grant permission to advertise for the construction of the Agard/Oakwood/High Street Signal.

4. Approval of Consent by Lessor of Real Property with Respect to Loan by Wells Fargo Bank to Flyers, LLC

By **RESOLUTION 06-02** approve and authorize the City Manager to execute the Consent by Lessor of Real Property Agreement

5. Addendum to the APOA Memorandum of Understanding

By **RESOLUTION 06-03** approve the Addendum to the Memorandum of Understanding between the Auburn Police Officers Association and the City and authorize the City Manager to sign on behalf of the City of Auburn.

6. **Approval of Salary Schedule Changes for the Fire Department Battalion Chief's Salary Schedule**

By **RESOLUTION 06-04** approve base increases to the Salary Schedule for the Fire Department Battalion Chief classification by three percent (3%) retroactive to July 1, 2005 and an additional three percent (3%) retroactive to January 1, 2006.

7. **Ordinance Authorizing City Manager to Sign Contracts-1st Reading**

By **MOTION** waive full reading and introduce the **ORDINANCE** for first reading.

8. **Lawson Vicious Dog Hearing Final Report**

Accept any testimony as required under the Brown Act, and by **MOTION** adopt the hearing officer's final report.

9. **Recognition for Dedicated Services**

By **RESOLUTION 06-05** declare as surplus the duty weapon previously issued to retired Chief of Police, Nicholas S. Willick.

***** End of Consent Calendar *****

MOTION: Nesbitt/Hanley/Approved 5:0

10. **Public Comment**

None.

PUBLIC HEARING

11. **Appeal Design Review Permit and Tree Permit – 373 Elm Avenue (Elm Plaza)-Files DRP 05-1 and TP 05-1-Appellant Paul Hillesheim**

Community Development Director Will Wong gave a brief history of the project.

Appellant Paul Hillesheim told the Council that, since he first applied for the project, it was considerably reduced in size, scale and scope, eliminating the need for all variances. The project was designed completely within City standards and development standards. At the Planning Commission there were no opponents. A representative of Mrs. McKenzie (neighbor) was on record in support of the project.

Karen Schwab, attorney for Mrs. Leo McKenzie of 160 McKenzie Court, said she was happy with the project and that all her concerns about privacy were met. She indorsed the project.

Jim Wall and Elaine Smith also spoke in favor of the appellant.

No one spoke against the project.

COUNCIL ACTION

Alternative Motion (Approval)

- A. By **MOTION**, adopt the following findings of fact for the Mitigated Negative Declaration for the Elm Plaza project:
 - 1. The City Council, on the basis of the whole record before it (including the initial study and any comments received) finds that there is no substantial evidence that the project will have a significant effect on the environment and that the Mitigated Negative Declaration reflects the lead agency's independent judgment and analysis.
 - 2. All documents and materials relating to the proceedings for the Elm Plaza project are maintained in the City of Auburn City Clerk's Office, 1225 Lincoln Way, Auburn, CA 95603.
 - 3. The City Council has determined that mitigation measures have been identified in the Mitigated Negative Declaration, which mitigates all potentially significant impacts to a less than significant level. The City Council adopts with this motion the Mitigation Monitoring and Reporting Plan (Exhibit K of this report) and specifically finds that all mitigation measures identified in the Mitigated Negative Declaration have been incorporated in the MMRP and that these measures have been agreed to by the applicant and are fully enforceable through CEQA and applicable City Ordinances.
- B. By **MOTION**, adopt the Mitigated Negative Declaration for the Elm Plaza project.
- C. By **MOTION**, approve the Design Review Permit (File DRP 05-1) for the Elm Plaza project subject to the conditions listed [in Exhibit A](#) (or as modified by the City Council).
- D. By **MOTION**, adopt the following findings of fact for the Tree Permit (File TP 05-1) for the Elm Plaza project:

1. Approval of the tree permit will not be detrimental to the public health, safety, or welfare;
2. Approval of the tree permit is consistent with the provisions of the Tree Ordinance; and
3. Measures have been incorporated in the project or the permit to mitigate impacts to remaining trees or to provide replacement for trees removed.

E. By **MOTION**, approve the Tree Permit (File TP 05-1) for the Elm Plaza project subject to the conditions listed in [Exhibit A](#) (or as modified by the City Council).

By **MOTION**: approve Motions A through E above. **MOTION: Powers/Nesbitt/Approved 5:0**

12. **General Plan Amendment and Ordinance Amendment (Separated Sidewalks) – Files GPA 05-1; QA 05-1**

After some discussion about separated sidewalk safety, sidewalk connections, width of the separations, tree canopies and root systems, irrigation, liability, location etc., the Council had more questions about maintenance, budgeting, decision-making process and irrigation standards. **WITHOUT OBJECTION** the Council referred this matter back to staff for further development and to be brought back to the Council in time for the February 27th meeting.

REPORTS

13. **City Council Committee Reports**

Council Member Snyder said the Mosquito Abatement District is getting preparing for the upcoming mosquito season.

COUNCIL BUSINESS

14. **Planning Commission Appointment**

By **RESOLUTION 06-06** confirm the Planning Commission appointment of Nicholas Kosla by Mayor Mike Holmes. **MOTION: Powers/Nesbitt/Approved 5:0**

15. **Update on the Sierra Nevada Conservancy Headquarters Selection Process**

Council Member Hanley said he expects a decision from the Conservancy by the end of February or early March.

By **MOTION** pursue the recruitment of the Sierra Nevada Conservancy Headquarters in Auburn. **MOTION: Nesbitt/Powers/Approved by voice**

16. **Mayoral Appointments to Council Committees, Commissions, Task Forces and Boards**

Mayor Mike Holmes provided each member of the City Council with new assignments for the Calendar Year 2006. In addition, Keith Nesbitt was appointed Liaison to the Greenprint Program.

17. **Request to Submit Letter to Bureau of Reclamation**

Review letter to Bureau of Reclamation and provide direction to staff.

Gary Estes of Auburn said the purpose of his letter was to determine how the people of Auburn would be impacted by the possible construction and operation of the Auburn Dam.

Council Member Snyder said he thought the letter was too biased against the Auburn Dam. The letter should be redrafted more from the City's perspective.

Council Member Nesbitt agreed with Council Member Snyder's suggestion that the City pass the letter on with a short cover letter, saying this was drafted by some concerned citizens. The Council wishes to have a balanced approach and would also like to see the benefits. This cover letter would also say that we (the Council), as the governing body, want to see both sides of the issue.

By **MOTION** pass this letter to the proper authorities with the above-mentioned cover letter attached. The letter is to be redrafted by the author with the proper letterhead. **MOTION: Nesbitt/Hanley/Approved by voice.**

ADJOURNMENT at 9:25 p.m.

Adjourn to meeting of Auburn Urban Development Authority.

Mike Holmes, Mayor

Joseph G.R. Labrie, City Clerk